THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:08-11-2005

WRIT PETITION No.21052 OF 2004

BETWEEN:

Abbas Bee & others.

…Petitioners

And

The Commissioner of Police, Cyberabad, RR.District & others.

…Respondents

ORDER:

It is the case of the petitioners that the first petitioner is the absolute owner and possessor of the agricultural land admeasuring 6.00 acres in Sy.Nos.1071, 1071/A and 1072, situated at Medchal village and Mandal of Ranga Reddy District, having purchased the same under an unregistered sale deed dated 10-5-1985. It is further stated that the first petitioner's vendor purchased the said property from his previous owner through a registered sale deed document No.137/1970. It is stated that certain proceedings have been initiated by the Mandal Revenue Officer to regularize the registration by collecting stamp duty and registration charges. Accordingly, the petitioners paid the charges on 28-9-1996 and the Mandal Revenue Officer mutated the name of the first petitioner by order dated 4-12-2002.

It is further stated that as the respondents 3 and 4 have illegally interfered with the peaceful possession and enjoyment of the petitioners, the first petitioner filed O.S.No.186 of 2004 on the file of the Principal Junior Civil Judge, Medchal, Ranga Reddy District and obtained interim injunction. In spite of subsisting orders of the Civil Court, the second respondent i.e., Station House Officer, Medchal at the instance of respondents 3 and 4, calling the petitioners to the Police Station and interfering with their personal life and liberty without there being any complaint and without registering any F.I.R.

The third respondent filed a counter stating that the husband of the first petitioner is an employee in the office of the Mandal Revenue Officer, Medchal and that he fabricated the unregistered sale deed dated 10-5-1985 as if Raja Subash Babu sold the land and that he tampered certain pahanies by over writing the fictitious name of Baduruddinnisa over the name of Baduruddin, the predecessor in title to Smt.Laxmi Bai and erroneously got mutated the name of the first petitioner basing on the fabricated un registered sale deed dated 10-5-1985. It is stated that the pahanies have been tampered with the connivance of the revenue authorities and mutation was took place erroneously. The fraudulent acts were brought to the notice of the District Collector and the RDO., sent a report to the District Collector

in Lr.No.A2/1548/04, dated 12-10-2004. It is further stated that the fourth respondent filed a complaint against the petitioners 1 and 2 and Raja Subash Babu. On the said complaint, the Station House officer, Medchal registered the F.I.R., in Crime No.83 of 2005 on 4-4-2005 for the offences punishable under Sections 120-B, 420,209,464, 471 read with Section 34 of the Indian Penal Code and the accused persons i.e., the first petitioner and her husband were arrested. In the Remand Report, it is stated that the husband of the first petitioner while working as Attender in M.R.O., Office, Medchal with a criminal conspiracy tampered the revenue records with an intention to grab the land belonging to the 4th respondent and fabricated the unregistered sale deed dated 10-5-1985 on a bond paper of Rs.5/- to the effect that one Raja Subhash Babu has sold 6.00 acres land in Sy.No.1071 and 1072. It is also further alleged that the second petitioner also tampered pahanies by over writing the fictitious names over the real names.

In view of the fact that the criminal case has been registered, the petitioners are not entitled to any relief in this writ petition and it cannot be said that the civil rights and personal life and liberty of the petitioners have been interfered with. As the criminal case has been registered, it is open for the police authorities to take every action and complete the investigation. The writ petition is dismissed accordingly. No costs.

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V.ESWARAIAH, J

Date:8-11-2005.

Shr.